

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

ROBERT J. DILLON,

Plaintiff

v.

CORE CIVIC, *et al.*,

Defendants

Case No. 2:20-cv-01436-APG-DJA

**ORDER**

**I. DISCUSSION**

On August 3, 2020, Plaintiff Robert J. Dillon, an inmate in the custody of the Nevada Department of Corrections ("NDOC"), submitted a civil rights complaint under 42 U.S.C. § 1983. (ECF No. 1-1). Plaintiff has neither paid the full \$400 filing fee for this matter nor filed an application to proceed *in forma pauperis*.

Under 28 U.S.C. § 1915(a)(2) and Local Rule LSR 1-2, an inmate seeking to begin a civil action in this Court may apply to proceed *in forma pauperis* in order to file the civil action without prepaying the full \$400 filing fee. Plaintiff may not evade this requirement merely by signing a complaint filed with someone else. Each Plaintiff must either pay the filing fee or file a complete application to proceed in forma pauperis.

To apply for *in forma pauperis* status, the inmate must submit all three of the following documents to the Court:

(1) a completed **Application to Proceed in Forma Pauperis for Inmate**, this Court's approved form (i.e. pages 1 through 3 with the inmate's two signatures on page 3),

(2) a **Financial Certificate** properly signed by both the inmate and a prison or jail official (i.e. page 4 of this Court's approved form), and

(3) a copy of the **inmate's prison or jail trust fund account statement for the previous six-month period**. If Plaintiff has not been at the facility a full six-month period, Plaintiff must still submit an inmate account statement for the dates he has been present

1 at the facility.

2 The Court will grant Plaintiff a **one-time** opportunity to file a fully complete  
 3 application to proceed *in forma pauperis* containing all three of the required documents,  
 4 or in the alternative, pay the full \$400 filing fee for this action on or before **October 5,**  
 5 **2020**. Absent unusual circumstances, the Court will not grant any further extensions of  
 6 time. If Plaintiff is unable to file a fully complete application to proceed *in forma pauperis*  
 7 with all three required documents or pay the full \$400 filing fee on or before **October 5,**  
 8 **2020**, the Court will dismiss his case without prejudice for Plaintiff to file a complaint in a  
 9 new case with the Court when Plaintiff either files all three of the documents needed to  
 10 file a fully complete application to proceed *in forma pauperis* or pays the full \$400 filing  
 11 fee.

12 A dismissal without prejudice means Plaintiff does not give up the right to refile his  
 13 case with the Court, under a new case number, when Plaintiff files all three documents  
 14 needed to submit with an application to proceed *in forma pauperis*. Alternatively, Plaintiff  
 15 may choose not to file an application to proceed *in forma pauperis* and instead pay the  
 16 full filing fee of \$400 on or before **October 5, 2020** to proceed with this case.

## 17 **II. CONCLUSION**

18 For the foregoing reasons, IT IS ORDERED that the Clerk of the Court will send  
 19 Plaintiff the approved form application to proceed *in forma pauperis* by an inmate, as well  
 20 as the document entitled information and instructions for filing an *in forma pauperis*  
 21 application.

22 IT IS FURTHER ORDERED that on or before **October 5, 2020**, Plaintiff will either  
 23 pay the full \$400 filing fee for a civil action (which includes the \$350 filing fee and the \$50  
 24 administrative fee) or file with the Court:

25 (1) a completed **Application to Proceed in Forma Pauperis for Inmate** on this  
 26 Court's approved form (i.e. pages 1 through 3 of the form with Robert J. Dillon's  
 27 two signatures on page 3),

28 (2) a **Financial Certificate** properly signed by both Robert J. Dillon and a prison

1 or jail official (i.e. page 4 of this Court's approved form), and  
2 (3) a copy of **Robert J. Dillon's prison or jail trust fund account statement for**  
3 **the previous six-month period**. If Plaintiff has not been at the facility a full six-month  
4 period, Plaintiff must still submit an inmate account statement for the dates he has been  
5 present at the facility.

6 IT IS FURTHER ORDERED that, if Plaintiff does not file a fully complete  
7 application to proceed *in forma pauperis* of his own with all three documents or pay the  
8 full \$400 filing fee for a civil action on or before **October 5, 2020**, the Court will dismiss  
9 his action without prejudice for Plaintiff to refile a case with the Court, under a new case  
10 number, when Plaintiff files all three documents needed to file a complete application to  
11 proceed *in forma pauperis* or pays the full \$400 filing fee.

12 IT IS FURTHER ORDERED that the Clerk of the Court will retain the complaint  
13 (ECF No.1-1) but will not file it at this time.

14 DATED: August 6, 2020

15   
16 UNITED STATES MAGISTRATE JUDGE  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28